

HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1469 of 2000

08-08-2005

Between:

APSRTC rep. by its Managing Director,

Mushirabad, Hyderabad. & another ..Appellants

And

The Labour Court-III, Hyderabad rep.
by its Presiding Officer & another.

.. Respondent

HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1469 of 2000

JUDGMENT: (Per Hon'ble Smt. Justice T.Meena Kumari)

The writ appeal is directed against the order passed by the learned single Judge in W.P.No.12827 of 2000 dated 11-10-2000 dismissing the writ petition thereby confirming the award dated 01-11-1999 in I.D.No.386 of 1997 on the file of Labour Court-III, Hyderabad.

The second respondent – workman while working as conductor is alleged to have committed the irregularity of issuing of tickets to three lady passengers in the APSRTC bus bearing No.AP-10Z-568, but not entering the same in statistical report.

The workman was charge-sheeted and after enquiry, he was removed from service against which he raised the said I.D. The Labour Court held that the punishment of removal is severe and harsh and hence, converted the punishment to censure and ordered reinstatement of the second respondent – workman into service with continuity of service, full back wages and all attendant benefits. The Corporation preferred the writ petition against the said award of the Labour Court and the same was dismissed. Hence, this appeal.

Heard learned standing counsel for the appellant - Corporation and learned counsel for the respondent – workman.

A perusal of the award reveals that the charge against the workman is that he had not entered the sale of tickets to the passengers in the statistical report, which was proved. The Labour Court held that there was no intention to misappropriate the amount and therefore, the punishment of removal from service is disproportionate to the gravity of the misconduct. The only lapse on the part of the workman is that he has not entered the sale of three tickets in the statistical report and there is nothing on record to show that there was any *mala fide* intention on his part. Apart from this, the workman was new on the route and checking was done when three lady passengers got into the bus after stage No.14 and alighted at stage No.15. In these circumstances, the Labour Court rightly ordered reinstatement of the workman into service.

However, the workman was removed from service on 02-04-1997 and was not in service for more than two years. Since the workman was not in service continuously for more than two years and has not worked with the Corporation during that period, we feel it just and appropriate to grant 50% of the back wages to the workman. Therefore, the award of the Labour Court is modified to

the effect that the workman is entitled to 50% of the back wages only. In other respects, the award is confirmed. We make it clear that this judgment should not be construed as a precedent for future cases.

The writ appeal is allowed to the extent indicated above.

SMT. T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

08-08-2005

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